

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEVON JACKSON,

Plaintiff,

v.

MIKE THURMER, DEBRA GEMPELER,
ANTHONY MELI and JOHN O'DONOVAN,

Defendants.

ORDER

09-cv-602-slc

Plaintiff Jevon Jackson is proceeding on his claim that defendants Mike Thurmer, Debra Gempeler, Anthony Meli and John O'Donovan punished him for requesting placement in observation status in violation of the First Amendment. Now before the court is plaintiff's motion to compel defendant Gempeler to provide more complete answer to his Interrogatory No. 3. That interrogatory states:

Considering that plaintiff Jackson was following the specific instructions of a staff psychologist on September 1, 2009, please state and explain what Jackson should have done differently to adequately address his immediate mental health needs and avoid being issued a conduct report by you.

Defendant Gempeler objected to this interrogatory stating that it was not reasonably calculated to lead to the discovery of admissible evidence and that it required speculation on the part of Gempeler. However, Gempeler did respond that plaintiff was issued the Conduct Report 20071111 for threats against his cell-mate and not for asking to be placed on Observation status.

Although plaintiff's interrogatory might reasonably lead to the discovery of admissible evidence, it does ask Gempeler to speculate on facts not within her knowledge, namely plaintiff's immediate mental health needs, what the psychologist told him and what options were available

to him. Gempeler has answered the interrogatory based on her personal knowledge. Therefore, I will deny plaintiff's motion to compel an answer to this interrogatory.

ORDER

IT IS ORDERED that plaintiff's motion to compel, dkt. #16, is DENIED.

Entered this 14th day of May, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge